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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Marion

Patent No.: 7,060,063

Serial No.: 10/714,126

Dated : 06/13/2006

Filed: 11/13/2003

Title : DEVICES AND METHODS FOR CONTROLLING INITIAL MOVEMENT OF AN ELECTROSURGICAL ELECTRODE

DEFICIENCY PAYMENT IN ACCORDANCE WITH 37 CFR 1.28

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

Small entity status was established in good faith in the above-referenced patent upon the filing of the application on November 13, 2003. The small entity status continued through the prosecution. However, an agreement was entered into on or about June 18, 2004, changing the status of the above-referenced patent. As such, large entity fees are due for the period after June 18, 2004.

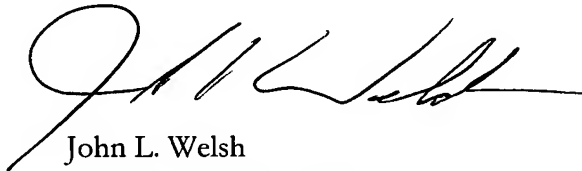
In accordance with 37 CFR 1.28(c) Patentee respectfully requests that the deficiency payment in the amount of \$740.00 be accepted and that the status of the present patent be changed from small entity status to large entity status. With this in mind, Patentee submits separate itemized requirements as defined in 37 CFR 1.28(c)(1) and (c)(2).

With regard to 37 CFR 1.28(c)(2), the sole erroneously paid fee relates to the issue fee paid on April 21, 2006. The issue fee was paid in the amount of \$700.00. As the large entity fee is currently \$1440.00, a deficiency payment in the amount of \$740.00 is due. As such, Patentee encloses

payment in the amount of \$740.00. An itemization of the deficiency payment as required in accordance with 37 CFR 1.28(c) is attached.

If additional fees are required, the Commissioner is authorized to charge the additional fees to Deposit Account 01-2221. If the Office has any questions, or if additional information is required, the Office is urged to contact the undersigned at (703) 920-1122.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John L. Welsh', with a large, stylized initial 'J'.

John L. Welsh
Registration No. 33,621

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ITEMIZATION OF DEFICIENCY PAYMENT

- 1) Issue Fee (37 CFR 1.18(a))
 - a) Current Fee - \$1440.00
 - b) Fee Paid April 21, 2006 - \$700.00
 - c) Deficiency owed - \$740.00
- 2) Total Deficiency Paid - \$740.00

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